

**BOARD OF GAME AND INLAND FISHERIES MEETING MINUTES
4000 WEST BROAD STREET
RICHMOND, VIRGINIA**

JUNE 23, 2005, 9:00 a.m.

PRESENT: Sherry Smith Crumley, Chairman, C. Marshall Davison, John W. Montgomery, Jr., Richard E. Railey, Jr., Will McNeely (left at 1:30 p.m.), Randy Kozuch (left at 11:30 a.m.), Charles S. Yates, Jimmy Hazel; **ABSENT:** Cecil T. Campbell; **LEGAL COUNSEL:** Roger Chaffe; **INTERIM DIRECTOR:** Colonel W. Gerald Massengill; **SENIOR STAFF:** Terry Bradbery, Ray Davis, Bob Duncan, Gary Martel, Charlie Sledd, Jeff Uerz, David Whitehurst

Chairman Crumley called the meeting to order at 9:00 a.m. Visitors were welcomed, Ms. Crumley read the agency's mission statement for the record, and Terry Bradbery lead the Pledge of Allegiance to the Flag.

Closed Session: At 9:02 a.m., Mr. Hazel moved, seconded by Mr. Montgomery, passed unanimously, that the Board go into a closed meeting pursuant to § 2.2-3711.A.3 of the Code of Virginia for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property with respect to a property acquisition of approximately 3,800 acres in the City of Chesapeake, a property acquisitions of approximately 345 acres in Louisa County and a property acquisition of approximately 600 acres in Wise County, and pursuant to § 2.2-3711.A.1 of the Code of Virginia for discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees or employees of the Department of Game and Inland Fisheries, specifically regarding the performance of the Interim Director. (Ayes: Hazel, Montgomery, McNeely, Davison, Railey, Kozuch, Crumley and Yates)

In open session at 10:35 a.m., Mr. Hazel certified, seconded by Mr. Davison, passed unanimously in a show of hands vote, that whereas the Board of Game and Inland Fisheries had convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act, and whereas § 2.2-3712.D of the Code requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law, now, therefore, be it resolved that the Board of Game and Inland Fisheries hereby certifies that (i) to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applied, and (ii)

only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board. Ayes: Hazel, Davison, Montgomery, Railey, McNeely, Crumley, Kozuch and Yates.

Mr. Railey moved, seconded by Mr. Hazel, passed unanimously by a show of hands vote, that the Board authorize the Director to proceed to acquire approximately 3,800 acres of land in the City of Chesapeake and such acquisition shall be according to applicable state procedures and shall not exceed \$3,000,000 of Department funds. Ayes: Railey, Hazel, Davison, Montgomery, McNeely, Crumley, Kozuch and Yates.

Mr. Railey moved, seconded by Mr. Hazel, passed unanimously by a show of hands vote, that the Board authorize the Director to proceed to acquire approximately 344.9 acres of land in Louisa County, Virginia contingent on a land management agreement with the Trevilian Station Battlefield Foundation suitable to the Department and compatible with our mission and such acquisition shall be according to applicable state procedures. Ayes: Railey, Hazel, Davison, McNeely, Kozuch, Crumley, Montgomery and Yates.

Mr. Railey moved, seconded by Mr. Hazel, passed unanimously by a show of hands vote, that the Board authorize the Director to proceed to acquire approximately 600 acres of land in Wise County and that such acquisition shall be according to applicable state procedures and contingent upon securing a grant from the Virginia Land Conservation Foundation for 100% of the total acquisition costs. (Ayes: Railey, Hazel, Davison, McNeely, Montgomery, Kozuch and Yates. Abstained: Crumley)

After a short break, Chairman Crumley introduced The Honorable Ken Stolle, Senate of Virginia. Senator Stolle presented clarification regarding the General Assembly's action that placed an emergency provision on enabling legislation that authorized the Board of Game and Inland Fisheries to promulgate regulations to allow the use of a crossbow for hunting and to establish a crossbow license.

If the emergency provision was not enacted, the enabling legislation would not be effective until July 1, 2005, which would have prevented the Board from promulgating regulations according to its public participation guidelines to provide for the use of the crossbow for hunting during the 2005 hunting season. With the emergency provision, enabling legislation became effective when signed by the Governor. The enabling legislation passed the Senate with a unanimous vote. There were two dissenting votes in the House.

David Proctor, Linville, VA, executive vice-president for the Virginia Bowhunters Association asked Senator Stolle what initiated the emergency and who on the General

Assembly was the authority on operation, safety and other issues relating to the crossbow. He also felt that sportsmen groups had not been properly consulted while the enabling legislation was being reviewed.

Senator Stolle responded that the enabling legislation was passed in an open, public forum according to state law. Additionally staff at the Department of Game and Inland Fisheries worked with legislators as the bills moved through the legislature. The emergency provision was a constitutional requirement that provides for the orderly adoption of and signing of bills as they move through the legislative process.

2. Public Comments, Non-Agenda Items. An opportunity was provided for the public to address the Board on non-agenda items. Chairman Crumley requested members of the public representing groups to limit remarks to five minutes. Individuals were requested to limit their remarks to three minutes

Sandy Lerner, Upperville, Virginia requested the Board to allow her to purchase an existing, permitted Virginia fallow deer herd and that the existing permit be transferred to her farm.

For the record, Bob Duncan noted that the Board established a moratorium on deer farming in 1993 due to disease concerns. The Board's action banned the importation of any cervid species into the Commonwealth as well as an intrastate ban on any movement of cervid species within the Commonwealth. The moratorium also banned the issuance of any new deer farming permits. He indicated that staff would support the entire existing herd being sold to Ms. Lerner as long as there was no net increase in that herd and contingent upon staff being allowed to test 10% of the deer on that farm for any disease. Mr. Duncan also noted that a listing of the current moratorium and reopening Virginia to deer farming is not supported by staff. He emphasized that staff is only willing to support the transfer of this one last existing fallow deer herd.

Duane Preston, Southamptons for 100%, Ivor, Virginia requested the Board to review existing Virginia law relative to localities being authorized to enact local ordinances regulating firearms, with emphasis on a Southampton County local ordinance that prohibits the use of a muzzleloading firearm for hunting within that locality. He felt that legislation only allows counties to prohibit rifles firing fixed metallic cartridges and shotguns firing fixed shotgun shells.

Staff was requested to review Mr. Preston's concerns and to provide a follow-up report to the Board at its July meeting.

Lee H. Albright, Montebello, Virginia referenced a May 13, 2005 memorandum written by the Board Chairman in response to the Internal Auditor's report in which she requested that references to employee retaliation and FOIA non-compliance issues

regarding a closed session discussion by the Board at its October 21, 2004 meeting be removed from the report. He felt this was a violation of FOIA. He supported the Internal Auditor's report on the issue and encouraged the Board to embrace open government in the future. He supported Colonel Massengill's selection to solve problems at the Department and asked the Board to support his efforts in that regard.

He read the following letter submitted by Barry Arrington, Bedford, Virginia for inclusion in the official meeting record: "My name is Barry Arrington and circumstances prevent me from being present before you. Therefore, I have asked Mr. Lee Albright to read my letter for inclusion in today's proceedings.

I am an outdoorsman, a hunting advocate, and a spokesperson for tree stand safety for DGIF Hunter Ed classes. I am also appalled by the recent findings of an investigation headed by State Internal Auditor Merritt Cogswell. My fellow hunters and I are outraged at the wanton spending of Game Department funds and for the seemingly lack of contrition for such spending.

I understand that the Board decided to allow Mr. Woodfin to resign with full benefits. Doing so gives the appearance that the Board members are still in support of Mr. Woodfin and decided to ignore Mr. Cogswell's substantiated findings against him. You chose "not to buy a lawsuit" against Woodfin as was stated by Secretary Murphy, instead you choose to pay Mr. Woodfin \$77,000 in severance pay to walk away from all allegations.

I am sure that Mr. Woodfin is a friend to most if not all of the Board members. Since when do we allow friends to act as judge and jury over another friend? Matters of this nature require friendship to be put aside, and all evidence to be viewed in a judicious manner. Can the Board members honestly say they came to their decision to let Woodfin walk without bias?

I have read several newspaper articles and the State Auditor's report on the alleged corruption within our game commission. I understand that Mr. Bradbery and Mr. Caison as well as others are still on the job. Shouldn't these individuals be relieved of their duties at least until an investigation either absolves or substantiates their involvement in any alleged wrongdoing.

Waste, Fraud, Abuse. Where does it stop? For everyone's sake, let's hope it stops right here. Thank goodness some of our state employees had the nerve to report these wrong doings and stand up for what they thought was right. I've had friends of mine ask how they can express their disgust with this situation. I tell them to write a letter. Believe it or not they're afraid to sign their name to a letter of this nature. Why? They think that the alleged corruption may run so deep they have a fear of being singled out in the future for retaliation. Absurd, maybe, but who knows?

An article in the Roanoke Times states that “members of the board chipped in \$14,600 to cover the costs” of items purchased for the Africa trip. Did this money actually come out of the board member’s pockets? If so, why?

I do applaud the board’s selection of Mr. Massengill as acting director. With his background it sounds like he may be the man we need in there to provide the authority required in our Game Department. I sincerely hope that the Board will follow the lead of Mr. Massengill and get the Game Commission back in the good graces of Virginia’s sportsmen. Sincerely yours, Barry Arrington.”

Paulette Albright, Montebello, Virginia urged the Board to realize that while being a critic of the agency one may remain a supporter. She stated that there are many good features of the agency and its supporters know them while recognizing their responsibility to denounce any improper handling of resources, i.e., public dollars, equipment, etc. She stated that supporters are not attempting to micromanage the agency. They are only seeking an ethical organization focused on its mission and responsive to constituents.

She concluded her remarks by stating that Colonel Massengill’s selection as interim director is supported and requested the Board to be attentive to comments being offered for consideration and action.

Donald K. Vovakes, Montebello, Virginia thanked Colonel Massengill for accepting the offer to serve as the agency’s interim director. He was very supportive of the choice.

He referenced the Internal’s Auditors report and referenced page 7 of that report regarding a closed session discussion during the October 21, 2004 Board of Game and Inland Fisheries meeting which indicated that three individuals in attendance of that closed session noted that both Mr. Hoffler and Mr. Woodfin spoke regarding the FOIA requests that had been made and that Mr. Hoffler stated that the agency would find which employees were leaking information to the FOIA requesters and get rid of them. He also commented that the report stated that another board member suggested that the agency should look for notes on employees’ desks or emails. The other Board members allegedly expressed support for dealing with the problem surrounding the FOIA requests and employees leaking the information. He questioned whether the certification motion at that meeting was accurate. He also requested Mr. Hazel to offer an apology for a remark made during the May 24, 2005 Board meeting.

Mr. Hazel did offer an apology for the remark and its reflection on the Board, the agency and its constituents. He pledged his support to Colonel Massengill.

Mr. McNeely stated for the record that while recognizing that mistakes have been made, he was proud of many of the accomplishments made by the former Director and the Board. He felt that the trip to Africa was a mistake and noted for the record that the Board as a whole did not have any knowledge of the planned trip and emphasized that the Board would not have approved the trip if it had been made aware of it. He also recognized that some provisions of the FOIA have been overlooked, but overall, a good job had been done.

For the record, Mr. Montgomery noted that the Internal Auditor had not substantiated the information cited from the report regarding the October 21, 2004 closed session. He added that he attended that session, and also had reviewed the minutes of that meeting and its certification. He stood by that certification. He thanked Mr. Vovakes for bringing his concerns to the attention of the Board.

Leon Turner, Fincastle, Virginia thanked the Board and the agency employees for successfully closing on the Horseshoe Bend boat ramp in Botetourt County. He added that he is hearing and seeing good things and that he and former members of the Board support Colonel Massengill.

Note to the Minutes: The owner of the Horseshoe Bend property's initial asking price did not comply with state guidelines and procedures. Staff continued to negotiate a contract that would meet state guidelines and procedures, and once those conditions were met, the sale was approved through all of the required state authorities.

3. Recognition of Employees and Others: Marvin Gautier was recognized for receiving the 2005 Wildlife Worker of the Year award sponsored by the National Wild Turkey Federation.

Susie Gilley presented the Virginia Resource Use Education Council's appreciation plaque to the Department for its support of the Council's work. Colonel Massengill accepted the award that read "Recognition for the dedication and enthusiasm in support of historic resource education effort".

4. Minutes of Meetings. The minutes of the March 24, 2005 and May 24, 2005 meetings have been posted on the agency's website and copies were included in the briefing materials sent to all Board members. Chairman Crumley called for any corrections or additions to the March 24, 2005 minutes. As there were none, **Mr. Railey moved, seconded by Mr. Hazel, passed unanimously by a show of hands vote, that the minutes be approved as written. Ayes: Railey, Hazel, Crumley, McNeely, Kozuch, Montgomery, Davison and Yates.**

Ms. Crumley called for a motion to amend the May 24, 2005 meeting minutes to add Charles Yates to the membership of the Search Committee. **Mr. Hazel moved,**

seconded by Mr. Montgomery, passed unanimously by a show of hands vote, that the May 24, 2005 meeting minutes be amended as requested. Ayes: Hazel, Montgomery, McNeely, Kozuch, Davison, Crumley, Railey and Yates.

As there were no further additions or corrections to the minutes, **Mr. Montgomery moved approval, seconded by Mr. McNeely, passed unanimously by a show of hands votes, of the May 24, 2005 meeting minutes, as amended. Ayes: Montgomery, McNeely, Davison, Railey, Crumley, Kozuch, Hazel and Yates.**

5. Committee Reports: Procurement Committee: Mr. Montgomery presented an overview of the Procurement Committee's review of the use of the AMEX small purchase cards by agency employees. He added that staff is working on a policy regarding items that are appropriate for purchase by employees. The Department has revised its procedures and use guidelines for use of the AMEX small purchase card. Additionally, the Committee reviewed and approved ten agency-organized events.

In the review of purchases, three employees had exceeded their allowable monthly transaction limits, but each case had been administratively approved prior to the purchase and the purchase was appropriate and necessary.

Mr. Montgomery reported that the committee feels that an agency-issued policy is needed to provide guidance regarding the appropriate level of support by the Department for constituent groups and organizations.

Mr. Hazel reported that the **Governance Committee** met and has identified standards to be evaluated in developing the Board's governance manual. The committee reviewed the Internal Auditor's and Auditor of Public Accounts reports, and they reviewed existing documentation relevant to Board governance, i.e., Board policies regarding the role and selection of its Chair, previous committees of the Board and how they operated, etc. Additional meetings will be scheduled to address needed written by-laws on how the Board should be structured and the specific duties of its chairman. The Committee plans to provide written guidelines regarding the terms of the chairman, the establishment of an audit committee, and other needed standing committees. The Committee hopes to have a draft manual for review by the full Board before the December 2005 deadline identified in the Secretary of Natural Resources response to the Internal Auditor's report.

Mr. Yates presented an overview of the **Policy Committee's** efforts. The Committee met on June 6 and again on June 22, 2005. The committee has reviewed and identified its role and purpose and recognizes there will be overlap with the Governance Committee's charge. Discussions have been held on policies needed to respond to issues identified in the audit. They have also reviewed and discussed existing policies and procedures. He commended the Director and staff for being proactive in identifying policy issues.

Financial and procurement manuals are under development, and committee members will continue to work with staff to improve and develop policies and procedures.

Mr. Montgomery presented an update on the **Search Committee's** efforts to recruit and hire a new director. The Committee met June 7 and again on June 23. At those meetings, the Committee discussed its framework and how it was to accomplish its mission. The Department of Human Resource Management is working with the Committee to provide guidance on how to proceed with the job.

A draft job announcement has been developed and approved as appropriate. A listing has been developed on professional organizations and constituent groups that should be consulted. The Committee plans to meet prior to its July Board meeting.

Additionally, the Search Committee plans to use the Department's website to invite comment regarding its recruitment effort.

Chairman Crumley noted for the record that all future committee meeting notices will be posted on the Department's Website. She added that the Policy and Governance Committees plan to meet July 27 and the Search Committee plans to reconvene at 8:00 a.m. on July 28.

6. Crossbow Regulation Proposal: Bob Duncan presented the proposal, as advertised for public comment, to create a special crossbow license as allowed by 2005 enacted legislation, and to allow all hunters to use a crossbow for hunting beginning with the 2005 hunting season. Public meetings have been conducted around the state to receive comments on this issue and comments have been received in writing, by telephone and via the Department's website.

Amend 4 VAC 15-40-20 to (i) remove the reference on the prohibition of crossbows, and (ii) to remove the requirement that persons permanently disabled must have a medical statement to use a crossbow.

Add 4 VAC 15-40-21 to create a special crossbow license and establish fees for persons using a crossbow during the special archery seasons. The proposed fee is \$12.00 for residents and \$25.00 for non-residents with the addition of the license agent fee of \$0.50.

After Board discussion on this regulation proposal, an opportunity was provided for the public to comment.

For the record, Ms. Crumley requested Board members to declare their ex parte contacts. She noted that eight individuals had contacted her (Johnny Grace, Denny Quaiff, C. J. Davis, Colin Moore, Al Milton, Mark Rice, Russell Garrison, Forrest Dance and Charlie Thalheimer, Jr.).

David Proctor, Linville, Virginia spoke in opposition to the regulations as proposed. He felt that the enabling legislation was passed with little or no concern for the present archery hunters. He recommended the establishment of a crossbow outside of the current archery season and requested the Board to retain the early archery season as it currently exists.

Bob Errett, Mint Spring, Virginia spoke in support of the crossbow regulation proposals as advertised, noting that less than 200 individuals had opposed the advertised proposals. Additionally, he thanked each Board member for the time they donate to public service.

Johnny Grace, Broadway, Virginia spoke in support of the crossbow regulation proposals as advertised.

Forest Dance, Colonial Heights, Virginia indicated that he had no additional comments to offer.

Leon Turner, Fincastle, Virginia offered concerns for the crossbow regulations proposals as advertised. He felt that the additional license requirement will cause hardship for the holders of the lifetime hunting license. He also asked and was told that staff had not solicited any comments in support of or opposition to the proposals. He felt that action on the crossbow should be delayed.

Melvin Jacks, West Point, Virginia spoke in support of the crossbow regulation proposals.

Mr. Hazel moved, seconded by Mr. Montgomery, passed in a 5:1 show of hands vote, that the Board adopt the regulation amendments for 4 VAC 15-40-20 and 4 VAC 15-40-21 as presented and advertised, and that the amendments take effect for the 2005 hunting season. (Ayes: Hazel, Montgomery, McNeely, Davison, Yates and Crumley; Nay: Railey).

The meeting recessed for lunch at 12:30 p.m. and reconvened at 1:20 p.m.

7. Boat Registration Fees: Charlie Sledd presented staff's recommendations to have the Board ratify a previously approved regulation for boat registration fees by again **adopting the current language of 4 VAC 15-380-120** and updating the current authority for this regulation to reflect § 29.1-701.1. The current fee schedule for a motorboat under 16 feet is \$27.00; for a motorboat 16 feet to less than 20 feet (\$31.00), for a motorboat 20 feet to less than 40 feet (\$37.00), for a motorboat 40 feet and over (\$45.00), for the first 10 actively registered motorboats by the same owner (\$27.00); for more than 10 actively

registered motorboats by the same owner (\$21.00) and for a duplicate certificate of registration and/or decal (\$9.00).

Mr. Railey moved, seconded by Mr. Davison, passed unanimously by a show of hands vote, that the Board adopt the current boat registration fee language, as advertised. Ayes: Railey, Davison, Montgomery, Crumley, Hazel and Yates.

7. WEBLESS MIGRATORY GAME BIRD SEASONS: Bob Duncan presented the following federal framework and staff recommendations for webless migratory game bird seasons. He noted for the record that the final framework is not yet available. Based on this, in the motion approving the webless migratory game bird seasons, the Board authorized staff to adjust the approved seasons, as needed, to meet framework requirements. Except as noted, shooting hours are one-half hour before sunrise to sunset in both the federal framework and seasons recommended by staff. Staff conducted a public input meeting on June 1 to solicit comments on webless migratory game bird seasons, the resident Canada goose season and the September teal season.

FEDERAL FRAMEWORK: Dove: The outside season dates for dove are September 1, 2005 through January 15, 2006. The framework provides for season options and bag limits. Option A offers a season of not more than 70 days, with a bag limit of 12 daily, 24 in possession. Option B offers a season of not more than 60 days, with a bag limit of 15, 30 in possession.

Rails: The outside season dates for rail are September 1, 2005 through January 20, 2006, with a season of not more than 70 days, straight or in two segments. The bag limit for clapper/king rail is 15 daily, 30 in possession and sora/Virginia, 25 daily, 25 in possession.

Woodcock: The outside season dates are October 1, 2005 through January 31, 2006, with a season of not more than 30 days, straight or in two segments. The bag limit is 3 daily, 6 in possession.

Common Snipe: The outside season dates are September 1, 2005 thorough January 31, 2006, with a season of not more than 107 days, straight or in two segments. The bag limit is 8 daily, 16 in possession.

Canada Goose: The outside season dates for the resident Canada goose season are September 1- 25, 2005, with a bag limit of 8, 16 in possession.

September Teal Season: The outside dates are September 1-30, 2005, with a season up to nine days. The bag limit is 4 daily, 8 in possession (only blue winged and green-winged teal).

Falconry: The outside season dates are September 1, 2005 thorough March 10, 2006, with a season of not more than 107 days on any species (firearms and falconry combined). The bag limit is 3, 6 in possession.

STAFF RECOMMENDATIONS-Dove: Staff recommended Option A, a 70-day, three segment season; September 3 through September 22, 2005, October 8 through November 5, 2005 and December 27, 2005 through January 14, 2006. The bag limit is 12 daily, 24 in possession. Shooting hours are noon until sunset during the first segment.

Rails: (Clapper, King, Sora and Virginia): Staff recommended season dates of September 12 through November 19, 2005, with a bag limit of 15 counted together daily, 30 in possession for clapper and king rail. The bag limit for sora and Virginia rail is 25 counted together daily, 25 in possession.

Woodcock: A two-segment, 30-day season was recommended (November 12 through November 26, 2005 and December 17 through December 31, 2005). The bag limit is 3 daily, 6 in possession.

Common Snipe: Staff recommended a two-segment season (October 5-10, 2005 and October 24, 2005 through January 31, 2006). The daily bag limit is 8, 16 in possession.

Canada Goose: Season dates recommended are September 1-24, 2005, with a daily bag limit of 5, 10 in possession, statewide.

September Teal: Season dates recommended are September 15-25, 2005, East of I-95. The bag limit is 4 daily, 8 in possession, any combination of blue-winged and green-winged teal.

Falconry: Dove: September 3 through November 5, 2005. December 3, 2005 through January 14, 2006. **Rail:** September 12, 2005 through November 19, 2005. **Woodcock:** October 22, 2005 through January 31, 2006. **Snipe:** October 5-10, 2005 and October 24, 2005 through January 31, 2006. **Goose:** September 1-24, 2005. **Teal:** September 15-24, 2005 (east of I-95 only).

After an opportunity was provided for discussion of the recommended webless migratory game bird seasons, Chairman Crumley called for public input.

Bob Talbert, Powhatan, Virginia requested staff and the Board to consider opening the woodcock season later to take advantage of bird migrations that occurs after a freeze. (during the time period when the season is now closed).

Mr. Hazel moved, seconded by Mr. Montgomery, passed unanimously by a show of hands vote, that the Board adopt the webless migratory game bird, resident Canada

goose and September teal seasons lengths and bag limits as presented, contingent upon the final federal framework that will be announced in the Federal Register in late July. Ayes: Crumley, Hazel, Montgomery, Yates, Davison and Railey.

9. Mockhorn Island WMA Historical Designation: Bob Duncan presented a request from the Department of Historical Resources to include a portion of the Mockhorn Island WMA in the Virginia Landmarks Register and the National Register of Historic Places because of its importance as an archaeological/historical site.

After Board discussion and with no public comments offered, **Mr. Davison moved, seconded by Mr. Hazel, passed unanimously in a show of hands vote, that the Board approve the request made by the Virginia Department of Historic Resources for the nomination of the upper ridge site on Mockhorn Island WMA to the National Register of Historic Places and the inclusion in the Virginia Landmarks Register.** Ayes: Davison, Hazel, Crumley, Railey, Montgomery and Yates.

10. Agency Budget. Ray Davis presented an overview of the proposed 2005-2006 budget that is structured across four programmatic areas: wildlife associated and boating outdoor recreation, wildlife associated and boating outdoor education, environmental diversity and administration. The agency's maximum employment level increased to 487 positions with the additional 20 positions authorized by the 2005 General Assembly session for game wardens (62.5% of this budget is dedicated to personnel costs). Also, by Board policy, the Department is required to maintain a \$4 million operating reserve. The total revenue estimate for FY 2006 is \$46.5 million.

Although the Board felt that the current budget reporting format was educational and useful, it requested a spreadsheet format behind each pie chart providing clarification on line item allocations.

Highlights of the proposed budget included: the estimated total revenue for the year is slightly above the adjusted operating appropriation, the budget provided for maximum recruitment for new game wardens, all capital projects will be funded from cash, no reduction in program activities of the agency, it is proposed to maximize federal grant dollars in nongame and capture more federal dollars, and the only new positions in this budget are those that will be funded in January in the wildlife diversity program to capture additional federal funds and the additional game warden positions.

Mr. Hazel moved, seconded by Mr. Montgomery, passed unanimously by a show of hands vote, that the Board approve the 2005-2006 agency budget as presented. Ayes: Hazel, Montgomery, Railey, Crumley, Davison, and Yates.

11. Amended Board Meeting Schedule: A proposed Board meeting schedule was distributed to members with their meeting briefing materials. Several members indicated

they had significant conflicts for the proposed July 21 meeting date. After further discussion, **Mr. Yates moved, seconded by Mr. Montgomery, passed in a 5:1 show of hands vote, to schedule the next meeting of the Board on July 28, 2005. Ayes: Yates, Montgomery, Crumley, Hazel, and Railey. Abstained: Davison**

12. Chairman's Comments: Chairman Crumley indicated that the Board would combine the Procurement Committee responsibilities into an audit committee. Procurement Committee Chairman Montgomery agreed with the request.

Chairman Crumley appointed an Audit Committee consisting of John Montgomery, Chairman, Mr. Davison, Mr. Hazel and Ms. Crumley.

Mr. Yates suggested the Board will have an enhanced role in the development of future agency budgets.

13. Director's Comments: Colonel Massengill reported that the Game Warden Academy's second class will begin training on July 25.

Problems have been noted with the dam and the road that crosses the dam on Gardy's Mill Pond in Northumberland County. The water level has been lowered, and the dam can no longer accommodate vehicular traffic. The Department is working with VDOT in an attempt to respond to the issue.

In response to concerns raised in the Korean-American community as a result of a covert operation regarding the illegal trafficking of black bear parts, staff is meeting with representatives from this community and an education outreach seminar will be scheduled. The tentative date for the seminar is July 16, 2005 at a Northern Virginia location not yet selected.

Colonel Massengill presented an update on the Internal Auditor's report into allegations of wrongdoings within the Department. For the record, he noted that sustained as referred to in the report, means that from the Office of the Internal Auditor felt that further investigation was required. He stated that the allegations are or have been reviewed by the State Police and the Office of the Attorney General. Those reviews will result in a determination as to whether it will be appropriate to pursue any wrongdoings criminally or if the wrongdoings should be handled by management. The Colonel has met with staff at the Attorney General's Office and he indicated that the report is receiving the appropriate level of attention. At the end of these criminal reviews, an administrative inquiry will be conducted. He pledged his commitment to a very fair and very thorough internal investigation at the appropriate time.

Colonel Massengill reported that a status report on the Internal Audit investigation has been sent to each employee and they have been requested to remain patient. He also indicated that the Internal Auditor's report will be placed on the Department's website and that the corrective action plan will also be posted. As requested actions are completed, appropriate information will be posted on the website.

The Horseshoe Bend boat ramp dedication ceremony will be held July 7, 2005, beginning at 11:00 a.m.

Colonel Massengill stated that over the past month, he has become better acquainted with the Department, its programs and its employees. The agency recognizes that much work is needed to respond to the concerns raised. He commended the Board for the work that it performs and stated that he has and continues to receive total support from every member of the Board. He thanked each Board member for the sacrifices that each member makes to serve the Commonwealth.

Chairman Crumley announced that Colonel Massengill has agreed to serve as Interim Agency Director up to one year.

Ray Davis was requested to provide the Board with monthly budget reviews.

The next meeting of the Board is July 28, 2005.

Adjournment: As there was no further business, the meeting was adjourned by the Chairman at 2:50 p.m.

Respectfully submitted,

Belle Harding
Recording Secretary